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VIB-08 RCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Neiryneck et al.  
Application No. : 09/498,046  
Confirmation No. : 8244  
Filed : February 4, 2000  
For : IMMUNOPROTECTIVE INFLUENZA ANTIGEN AND  
ITS USE IN VACCINATION  
Group Art Unit : 1648  
Examiner : Stacey B. Chen

New York, New York  
January 23, 2006

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

NOTICE OF APPEAL

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner. In that July 21, 2005 Office Action, the rejection of claims 26-32, 34, 36-41, 46 and 52-57 was made final.

Applicants have concurrently filed an Amendment and Response to the July 21, 2005 Office Action. They have also petitioned for a three (3) month extension of time for responding to that Office Action and filing this Notice of Appeal and have paid the required fee.

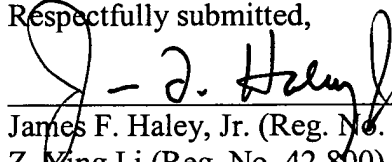
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On July 15, 2004, applicants filed a first Notice of Appeal in this application and paid the required fee. On October 15, 2004, applicants filed a Request for Continuing Examining in this application together with a response to then outstanding and appealed rejections. Accordingly, applicants do not believe that any further appeal fee is required.

If an additional appeal fee is required, the Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075, Order No. 001031-0001. A duplicate copy of this Notice of Appeal is transmitted herewith.

Respectfully submitted,



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